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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,898	01/17/2001	Simon Julian Powers	36-1406	8599
23117	7590	05/24/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			ANYA, CHARLES E	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/743,898	POWERS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Charles E Anya	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 02 March 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-28 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). *filed on own PCT/GB9*

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

1. Claims 1-28 are pending in this application.

### ***Claim Objections***

2. Claim 21 is objected to under 37 CFR 1.75(c) as being in improper form because of multiple dependency (Claim 21 depends on "any one of claims 12 to claim 20"). See MPEP § 608.01(n). Accordingly, the claim 21 not been further treated on the merits. For the purpose of this office action examiner would assume that claim 21 is an independent claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1,4,5,7-14,16-21,24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,793,382 to Yerazunis et al. in view of U.S. Pat. No. 6,570,563 B1 to Honda.**

5. As to claim 1, Yerazunis teaches a terminal for providing a virtual environment interface to server means which maintains said virtual environment as a plurality of

zones, comprising: a client providing a user interface to the virtual environment to allow a user to control an avatar in the virtual environment (figures 1/2 Col. 5 Ln. 40 – 67, Col. 1 – 29), apparatus for estimating the likelihood of said avatar, under the control of said user in the virtual environment, moving within a predetermined range of a boundary (Col. 3 Ln. 1 – 18), the apparatus comprising: recording means for recording the position of the avatar at intervals to obtain movement data (Col. 3 Ln. 36 – 44, Moving Object 90 Col. 7 Ln. 44 – 58), means for storing data as to the relative frequency of occurrence of different categories of said movement (Moving Object 90 Col. 7 Ln. 44 – 58), means arranged to read, from the stored data (figure 4 Col. 7 Ln. 59 – 67, Col. 8 Ln. 1 – 5) and frequency data for categories of movement such as would correspond to a potential movement of the avatar from its current position into a position within said predetermined range of said boundary (Col. 7 Ln. 21 – 28).

6. Yerazaunis is silent with reference to the client being arranged to obtain information from said server means about the status of the adjacent zone only when the likelihood of the avatar moving within the predetermined range of the boundary of said adjacent zone is above a threshold.

7. Honda teaches the client being arranged to obtain information from said server means about the status of the adjacent zone only when the likelihood of the avatar moving within the predetermined range of the boundary of said adjacent zone is above a threshold (figure 18 Col. 19 Ln. 55 – 67, figure 19 Col. 20 Ln. 1 – 29).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to Honda and Yerazunis because the

teaching of Honda would improve the system of Yerazunis by providing "an update sequence" (Honda Col. 20 Ln. 1 – 13).

9. As to claim 4, Yerazunis teaches a terminal according to claim 1 wherein said means for storing data is arranged to discard data relating to movement after a set period of time (Col. 4 Ln. 15 – 18).

10. As to claim 5, Yerazunis teaches a terminal according to claim 1 wherein said recording means is adapted to record the position of said avatar at regular intervals of time in said virtual environment (Moving Object 90 Col. 7 Ln. 44 – 58).

11. As to claim 7, Honda teaches a terminal according to claim 1 wherein said predetermined range is dependent upon a range of awareness of said avatar within which said avatar can experience the virtual environment (figure 18 Col 19 Ln. 55 – 67).

12. As to claim 8, Yerazunis teaches a terminal according to claim 1 wherein said categories of movement are determined by run lengths (Col 3 Ln. 9 – 18).

13. As to claim 9, Yerazunis teaches a terminal according to claim 1 wherein said categories of movement are determined by run lengths within a predefined corridor (Col 3 Ln. 9 – 18).

14. As to claim 10, Honda teaches a terminal according to claim 1 wherein said categories of movement are determined by the movement of said avatar into areas around said avatar (figure 18 Col. 19 Ln. 55 – 67).
15. As to claim 11, Yerazunis teaches a terminal according to claim 1 wherein said categories of movement are determined by directions and distances of movement of said avatar (Moving Object 90 Col. 7 Ln. 44 – 58).
16. As to claims 12,21,24,27 and 28, see the rejection of claim 1.
17. As to claims 13 and 26, see the rejection of claim 4.
18. As to claim 14, see the rejection of claim 5.
19. As to claim 16, see the rejection of claim 7.
20. As to claims 17 and 18, see the rejection of claims 8 and 9 respectively.
21. As to claims 19 and 20, see the rejection of claims 10 and 11 respectively.

**22. Claims 2,6,15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,793,382 to Yerazunis et al. in view of U.S. Pat. No. 6,570,563 B1 to Honda as applied to claim 1 above, and further in view of U.S. Pat. No. 6,219,045 B1 to Leahy et al.**

**23. As to claim 2, Yerazaunis is silent with reference to a terminal according to claim 1 wherein said threshold is determined in dependence upon a cost function.**

**24. Leahy teaches a terminal according to claim 1 wherein said threshold is determined in dependence upon a cost function (Col. 5 Ln. 25 – 50).**

**25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Leahy and Yerazunis because the teaching of Leahy would improve the system by providing means for eliminating slow processing and rendering of virtual world (Col. 5 Ln. 37 – 41).**

**26. Leahy teaches a terminal according to claim 1 wherein the potential movement of the avatar takes into consideration obstructions to the movement of said avatar within said virtual environment (Col. 6 Ln. 37 – 47).**

**27. As to claim 15, see the rejection of claim 6.**

**28. As to claim 22, see the rejection of claim 2.**

29. **Claims 3,23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,793,382 to Yerazunis et al. in view of U.S. Pat. No. 6,570,563 B1 to Honda as applied to claim 1 above, and further in view of EPO Pat. No. 696,018 A2 to Suzuki et al.**

30. As to claim 3, Yerazunis is silent with reference to a terminal according to claim 1 wherein said threshold is determined in dependence upon the amount of communication traffic and/or the time taken for the communication with the server means.

31. Suzuki teaches a terminal according to claim 1 wherein said threshold is determined in dependence upon the amount of communication traffic and/or the time taken for the communication with the server means (page 13 lines 1 – 7).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Suzuki and Yerazunis because the teaching of Leahy would improve the system by providing means for changing the transmission rate of speech data (page 13 Lines 1 – 3).

33. As to claims 23 and 25, see the rejection of claim 3.

#### ***Response to Arguments***

34. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

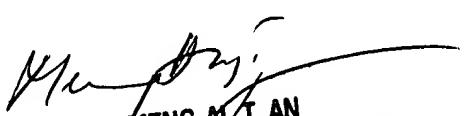
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya  
Examiner  
Art Unit 2126

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